

**DRIVER EDUCATION PROVIDER AND INSTRUCTOR ACT (EXCERPT)**  
**Act 384 of 2006**

**256.679 Conviction information; automatic denial or revocation of application or certificate.**

Sec. 59. (1) Except as otherwise provided in this section, the secretary of state shall automatically deny an original or renewal application for a driver education provider or instructor certificate and shall automatically immediately revoke a certificate issued to a person as a driver education provider or driver education instructor without the necessity for notice and an opportunity for a hearing if a criminal history check indicates that the applicant, instructor, provider, or the designated representative or coordinator of the applicant or provider has been convicted of a violation or attempted violation, or the secretary of state receives reliable notice under this section or section 57 of a conviction for a violation or attempted violation of any of the following:

(a) Criminal sexual conduct, assault with intent to commit criminal sexual conduct, or an attempt to commit criminal sexual conduct, in any degree under sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g.

(b) A felony involving a criminal assault or battery on an individual.

(c) A crime involving felonious assault on a child, child abuse in the first degree, cruelty, torture, or indecent exposure involving a child.

(d) A felony involving the manufacture, distribution, or dispensing of a controlled substance or possession with intent to manufacture, distribute, or dispense a controlled substance.

(e) A felony conviction involving fraud as an element of the crime.

(2) A denial or revocation imposed under this section shall continue for not less than 10 years from the date of the conviction.

(3) The department of information technology shall work with the secretary of state and the department of state police to develop and implement an automated program that does an annual comparison of the conviction information received by the department of state police with a secretary of state list of persons holding a driver education provider or instructor certificate and the persons designated as a representative or coordinator of a provider. This comparison shall only include persons who are actually certified as a driver education provider or instructor or who are the designated representative or coordinator of an actually certified provider at the time of the comparison. Unless otherwise prohibited by law, this comparison shall include convictions contained in a nonpublic record. The department of state police shall take all reasonable and necessary measures using the available technology to ensure the accuracy of this comparison before transmitting the information under this subsection to the secretary of state. The secretary of state shall take all reasonable and necessary measures using the available technology to ensure the accuracy of this comparison before notifying a provider, a provider's designated representative or coordinator, or an instructor of a conviction that results in an automatic and immediate revocation of a provider or instructor certificate under this section.

(4) When the secretary of state receives reliable notice of a conviction for a violation or attempted violation under this section or section 57 by an applicant's or provider's designated representative or coordinator, the secretary of state shall automatically deny an original or renewal application for a driver education provider certificate or automatically immediately revoke a provider's certificate under this section if the applicant or provider fails to immediately terminate the designated representative's or coordinator's designation or employment as the provider's designated representative or coordinator.

**History:** 2006, Act 384, Eff. Oct. 1, 2006.